

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 25408 of 2003

Between:

Esther Axene Residential Aided High School, represented by its Correspondent: K.
Prabhakara Rao
Konthmur, Rajahmundry, East Godavari District

..... PETITIONER

AND

1. State of Andhra Pradesh, Secretary, School Education,
Secretariat Buildings, Hyderabad
2. Commissioner of School Education, A.P., Hyderabad.
3. Regional Joint Director of School Education,
Kakinada, East Godavari District.
4. The District Educational Officer, at Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of a writ of mandamus declaring the action of the District Educational Officer the 3rd respondent herein in not according permission to fill up the vacant posts of P.E.T., and Hindi Pandit in the petitioner Institution as being arbitrary and violative of Articles 14 and 30(1) of the Constitution of India and consequently direct the District Educational Officer to forthwith permit the management to fill up the vacant posts of P.E.T., and Hindi Pandit.

Counsel for the Petitioner: MR.CH.SAMSON BABU

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following:

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ORDER:

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Petitioner is a Christian Minority Aided High School. It is stated that to fill up certain vacancies, the management has submitted consolidated proposals for according permission in the petitioner's institution for the posts of P.E.T. and Hindi Pandit. The said proposals were submitted to the District Educational Officer, Kakinada, East Godavari District through the Deputy Educational Officer, Rajahmundry on 28-02-2003, and were counter signed by the Deputy Educational Officer, Rajahmundry on 28-02-2003. But the District Educational Officer i.e., the fourth respondent herein has not taken any decision so far. Therefore, the petitioner has constrained to file the writ petition to declare the action of the third respondent in not according permission to fill up the vacant posts of P.E.T. and Hindi Pandit in the petitioner institution.

Having regard to the facts and circumstances of the case, if the proposals of the petitioner submitted on 28-02-2003, as countersigned by the Deputy Educational Officer, Rajahmundry, East Godavari District, on 28-02-2003, are pending consideration before the District Educational Officer, Kakinada-the fourth respondent herein, the 4th respondent is directed to consider and dispose of the same in accordance with law, within eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly dispose of. No order as to costs.

04-08-2004

Glv/sj

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Secretary, Secretary, School Education,
State of Andhra Pradesh, Secretariat Buildings, Hyderabad
2. The Commissioner of School Education, A.P., Hyderabad.
3. The Regional Joint Director of School Education,
Kakinada, East Godavari District.
4. The District Educational Officer, Kakinada, East Godavari District.
5. Two CCs to the Government Pleader for School Education, High Court
Buildings, Hyderabad. (O.U.T)
6. Two CD copies.